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Co-Lead Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
All Actions

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF LISA J. CISNEROS
IN SUPPORT OF PLAINTIFFS'
MEMORANDUM OF LAW IN SUPPORT
OF APPLICATION OF THE PER SE
STANDARD**

1 I, Lisa J. Cisneros, declare:

2 I am an associate in the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP, a
3 member of the State Bar of California, and am admitted to practice before the United States
4 District Court for the Northern District of California. I am one of the counsel for the Plaintiffs in
5 this action. I submit the following declaration in support of Plaintiffs' Memorandum of Law In
6 Support of Application of the Per Se Standard. I make this declaration based on my own personal
7 knowledge. If called upon to testify, I could and would testify competently to the truth of the
8 matters stated herein.

9 **I. Deposition Testimony of Defendants' Experts and Witnesses**

10 1. Attached hereto as **Exhibit 1** is a true and correct copy of the excerpts for the
11 December 7, 2013 deposition of Apple Chief Executive Officer Tim Cook.

12 2. Attached hereto as **Exhibit 2** is a true and correct copy of the excerpts for the
13 December 11, 2013 deposition of David Lewin.

14 3. Attached hereto as **Exhibit 3** is a true and correct copy of the excerpts for the
15 December 7, 2013 deposition of Kevin Murphy.

16 4. Attached hereto as **Exhibit 4** is a true and correct copy of the excerpts for the
17 December 7, 2013 deposition of Edward A. Snyder.

18 5. Attached hereto as **Exhibit 5** is a true and correct copy of the excerpts for the
19 December 8, 2013 deposition of Eric L. Talley.

20 **II. Defendants' Expert Reports**

21 6. Attached hereto as **Exhibit 6** is a true and correct copy of the November 25, 2013
22 Expert Report of Kevin Murphy.

23 7. Attached hereto as **Exhibit 7** is a true and correct copy of the December 6, 2013
24 Expert Report of Edward Snyder.

25 8. Attached hereto as **Exhibit 8** is a true and correct copy of the November 25, 2013
26 Expert Report of Eric Talley.

1 **III. Plaintiffs' Expert Reports**

2 9. Attached hereto as **Exhibit 9** is a true and correct copy of the October 28, 2013
3 Expert Report of Matthew Marx.

4 10. Attached hereto as **Exhibit 10** is a true and correct copy of the December 11, 2013
5 Reply Expert Report of Matthew Marx.

6 **IV. Plaintiffs' Deposition Exhibits**

7 11. Attached hereto as **Exhibit 166** is a true and correct copy of Plaintiffs' Exhibit
8 166, the Final Judgment issued in *United States v. Adobe Systems, Inc., et al.*, Case No. 10-1629
9 (D.D.C. Mar. 18, 2011).

10 12. Attached hereto as **Exhibit 168** is a true and correct copy of Plaintiffs' Exhibit
11 168, the Department of Justice's Competitive Impact Statement filed in *United States v. Adobe*
12 *Systems, Inc., et al.*, Case No. 10-1629 (D.D.C. Sept. 24, 2010).

13 13. Attached hereto as **Exhibit 182** is a true and correct copy of Plaintiffs' Exhibit
14 182, GOOG-HIGH TECH-00008283-4.

15 14. Attached hereto as **Exhibit 223** is a true and correct copy of Plaintiffs' Exhibit
16 223, 231APPLE002143-4.

17 15. Attached hereto as **Exhibit 597** is a true and correct copy of Plaintiffs' Exhibit
18 597, GOOG-HIGH-TECH-00056882.

19 16. Attached hereto as **Exhibit 1871** is a true and correct copy of Plaintiffs' Exhibit
20 1871, GOOG-HIGH-TECH-00061052-3.

21 17. Attached hereto as **Exhibit 2923** is a true and correct copy of Plaintiffs' Exhibit
22 2923, the Model Merger Agreement for the Acquisition of a Public Company, published by the
23 Mergers and Acquisitions Committee for the Business Law Section of the American Bar
24 Association (2011).

25 18. Attached hereto as **Exhibit 2924** is a true and correct copy of Plaintiffs' Exhibit
26 2924, 231APPLE123280.

27 19. Attached here **Exhibit 2925** is a true and correct copy of Plaintiffs' Exhibit 2925,
28 231APPLE124988 – 231APPLE125030.

1 20. Attached here **Exhibit 2926** is a true and correct copy of Plaintiffs' Exhibit 2926,
2 GOOG-HIGH-TECH-00625224 – 226.

3 21. Attached here **Exhibit 2927** is a true and correct copy of Plaintiffs' Exhibit 2927,
4 GOOG-HIGH-TECH-00625231-34.

5 22. Attached here **Exhibit 2928** is a true and correct copy of Plaintiffs' Exhibit 2928,
6 GOOG-HIGH-TECH-00625464 -473.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct.

9 Executed April 10, 2014, in San Francisco, California.

10
11 /s/ Lisa J. Cisneros
 Lisa J. Cisneros